United Nations A/64/PV.118

General Assembly
Sixty-fourth session

Official Records

118th plenary meeting
Thursday, 9 September 2010, 11.30 a.m.
New York

President: Mr. Ali Abdussalam Treki ..... (Libyan Arab Jamahiriya)

The meeting was called to order at 11.50 a.m.

Agenda item 110 (*continued*)

Elections to fill vacancies in principal organs

(c) Election of a member of the International Court of Justice

Memorandum by the Secretary-General (A/64/899)

Note by the Secretary-General (A/64/900)

Note by the Secretary-General (A/64/901)

The President (*spoke in Arabic*): The General Assembly will now proceed to the election of a member of the International Court of Justice for the unexpired term of office of Judge Thomas Buergenthal, whose resignation took effect on 6 September 2010.

In connection with this election, I should like to bring the following matters to the attention of the members of the General Assembly.

I would like to confirm that, at this time, the Security Council, independently of the General Assembly, is also proceeding to elect one member of the Court. This procedure is in accordance with article 8 of the Statute of the Court, which provides that "the General Assembly and the Security Council shall proceed independently of one another to elect the members of the Court". Accordingly, the result of the voting in the General Assembly will not be communicated to the Security Council until one candidate has obtained the required majority in the Assembly.

I would like to draw the attention of the Assembly to the documents relating to the election. The Assembly has before it document A/64/899, which contains a memorandum by the Secretary-General on the present composition of the Court and the procedure to be followed in the General Assembly and in the Security Council with regard to the election; document A/64/900, which contains the nomination of a candidate by national groups within the required time for submission, that is, by 12 August 2010; and document A/64/901, which contains the curriculum vitae of the candidate nominated by national groups. I should like to inform the Assembly that, after the expiration of the deadline for submissions of nominations, the Secretariat received communications from the national group of Colombia, also nominating a candidate.

In accordance with article 10, paragraph 1, of the Statute of the Court, the candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council shall be considered as elected. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors, whether or not they vote or are allowed to vote. The electors in the General Assembly are all 192 Member States. Accordingly, for the present election, 97 votes constitute an absolute majority in the General Assembly.

The General Assembly will now proceed to a secret ballot. If, in the first ballot, the candidate does not obtain an absolute majority, it will be necessary to

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proceed to other ballots until the candidate has obtained the required majority. Pursuant to the decision taken by the General Assembly at its 915th meeting, held on 16 November 1960, those ballots shall be unrestricted.

May I take it that the Assembly agrees to the procedures I have just outlined?

It was so decided.

The President (*spoke in Arabic*): I should like to remind representatives that, pursuant to rule 88 of the Assembly's rules of procedure,

> "After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting."

We shall now begin the voting process. Ballot papers will now be distributed.

Representatives are requested to use only the ballot papers that are now being distributed and to place a cross to the left of the name of the candidate for whom they wish to vote. Votes may be cast only for the candidate whose name appears on the ballot papers.

At the invitation of the President, Mr. Baptista (Angola), Ms. Köhler (Austria), Mr. Ahmed (Bangladesh), Mr. Mathiasen (Denmark), Mr. Jatmiko (Indonesia) and Mr. Peralta (Paraguay) acted as tellers.

A vote was taken by secret ballot.

The meeting was suspended at 12.05 p.m. and resumed at 12.30 p.m.

The President: The result of the voting is as follows:

Number of ballot papers:	167
Number of invalid ballots:	0
Number of valid ballots:	167
Abstentions:	8
Number of members present and voting:	159
Required absolute majority:	97
Number of votes obtained:	
Ms. Joan Donoghue (United States of America)	159

Ms. Joan Donoghue has obtained an absolute majority in the General Assembly. I have communicated the result of the voting to the President of the Security Council.

I have also received a letter from the President of the Security Council, which reads:

> "I have the honour to inform you that at the 6381st meeting of the Security Council, held on 9 September 2010 for the purpose of electing one member of the International Court of Justice to fill a vacancy on the Court for a term of office expiring on 5 February 2015, Ms. Joan E. Donoghue obtained an absolute majority of votes."

As a result of the independent voting in the Security Council and in the General Assembly, Ms. Joan Donoghue has obtained an absolute majority in both organs. She is therefore duly elected a member of the International Court of Justice to serve for a term of office commencing today, 9 September 2010, and ending 5 February 2015. I take this opportunity to extend to her the congratulations of the Assembly on her election and to thank the tellers for their assistance.

The representative of the Islamic Republic of Iran has asked to speak on a point of order.

Mr. Salsabili (Islamic Republic of Iran): My delegation wishes to congratulate Her Excellency Joan E. Donoghue on her election as a judge of the International Court of Justice.

Nonetheless, my delegation would like to underline that articles 2 and 9 of the Court's Statute provide the only criteria for electing qualified candidates to the post, and any practice or precedent to the contrary that may imply or bring in other elements other than geographical distribution and that could grant a special privilege or privileged treatment to certain States is not acceptable.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of sub-item (c) of agenda item 110?

It was so decided.

The meeting rose at 12.35 p.m.